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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 8/3/06

UNITED STATES OF AMERICA,)	No. CR 06-00074 RMW
)	
Plaintiff,)	
)	STIPULATION AND
v.)	ORDER EXCLUDING TIME
)	
JAMES RUSSELL FITZGERALD, JR,)	
)	
Defendant.)	SAN JOSE VENUE
)	

On July 24, 2006, the parties in this case appeared before the Court for a status appearance. Assistant United States Attorney Susan Knight informed the Court that the parties are engaging in plea negotiations, and need additional time to calculate the loss amount in the case. AUSA Knight also informed the Court that both counsel will be unavailable during certain weeks in August. Therefore, the parties jointly requested that the case be continued to September 11, 2006 at 9:00 a.m. In addition, the parties requested an exclusion of time under the Speedy Trial Act from July 24, 2006 until September 11, 2006. The defendant, through Assistant Federal Public Defender Lara Vinnard, agreed to the exclusion. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for continuity of counsel and effective

1 preparation of counsel.

2 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

3
4 DATED:

/s/

SUSAN KNIGHT
Assistant United States Attorney

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6 DATED:

/s/

LARA S. VINNARD
Assistant Federal Public Defender

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9 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
10 under the Speedy Trial Act from July 24, 2006 until September 11, 2006. The Court finds, based
11 on the aforementioned reasons, that the ends of justice served by granting the requested
12 continuance outweigh the best interest of the public and the defendant in a speedy trial. The
13 failure to grant the requested continuance would deny defense counsel reasonable time necessary
14 for effective preparation, taking into account the exercise of due diligence, and would result in a
15 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
16 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

17 SO ORDERED.

18
19 DATED: 8/2/06

/s/ Ronald M. Whyte

RONALD M. WHYTE
United States District Judge